





Washington State Justice Reinvestment Taskforce

Fourth Meeting

December 5, 2014

Council of State Governments Justice Center

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Council of State Governments Justice Center

- National nonprofit, nonpartisan membership association of state government officials
- Engages members of all three branches of state government
- Justice Center provides practical, nonpartisan advice informed by the best available evidence



Funding and Partners

Justice Reinvestment

a data-driven approach to reduce corrections spending and reinvest savings in strategies that can decrease recidivism and increase public safety





Overview of Presentation

- I. The Process
- Project Charter
- Work Summary
- Next Steps
- II. Summary & Goals
- **III. Policy Options & Impacts**

State leaders requested assistance leading up to a project launch in June of 2014.

Justice Reinvestment Initiative Request December 23, 2013 Page 2

- Assist the legislature, the Office of the Governor, and the Taskforce in educating the public and policymakers about the Taskforce's goals, findings, recommendations, and legislation and other measures, including:
 - continuing to comment and provide feedback, as requested, on draft omnibus legislation and other measures;
 - o engaging and consulting with justice system stakeholders;
 - o organizing and coordinating public, legislative, or stakeholder forums;
 - o organizing and coordinating the efforts of key justice system and public policy stakeholders and opinion leaders;

As a state that has been in the forefront of implementing many of the national best practices in smart criminal justice policy, we recognize that we will experience a unique challenge. Most of the strategies realized in other states through this collaborative process have already been implemented in Washington. However, we are certain that through this process, Washington will continue in its long tradition of identifying responsive, innovative, and data-driven changes to wisely target our limited resources and improve public safety. We know that Washington can provide a roadmap for the rest of the nation to follow.

Sincerely

Jay Inslee

Frank Chopp

Frank Chopp Speaker of the House

Bernie Warner Secretary, Department of Corrections Barbara Madsen

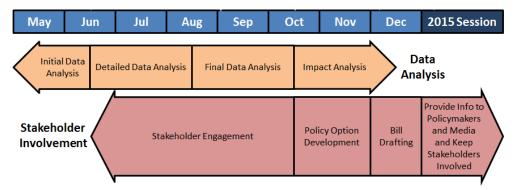
Barbara Madsen Chief Justice, Supreme Court

Rodney Tom Senate Majority Leader

Mark. I khoesles

Mark Schoesl Senator





Justice Reinvestment Process – Phase I

Bipartisan, bicameral, inter-branch working group

Phase I

Analyze Data and Develop Policy Options

- Analyze data: look at crime, courts, corrections, sentencing, & supervision trends
- Solicit input from stakeholders
- Develop policy options & estimate cost savings

Phase 2

Implement New Policies

- Identify assistance needed to implement policies effectively
- Deploy targeted reinvestment strategies to increase public safety
- Track the impact of enacted policies/programs
- Monitor recidivism rates and other key measures

Data from Washington State agencies have enabled an incredible degree of matching and analysis.

Caseload Administrative Department of Washington State Patrol Office of the Courts **Forecast Council** Corrections Felony and Prison & DOC Felony and Misdemeanor Supervision: Misdemeanor Court Dispositions -**Felony Convictions** Admissions, **Criminal History** 2000-2013 Arrests Releases, On Hand 1980 - June 2014 Database provided 2004-2013 by WSIPP 8.7 million records 370,000 records 8 million records 800,000 records

Linking of files on State ID (SID) Number

Key stakeholders in the criminal justice system have been engaged in reviewing analysis and providing input and ideas.

June – December Stakeholder Engagement

Administrative Office of the Courts ✓

Caseload Forecast Council 🗸

Community Corrections Officers <

Counties (WSAC / WACO) ✓

Department of Corrections <

Jail Administrators ✓

Labor Unions (WFSE and Teamsters Local 117) ✓

Law Enforcement (WASPC) ✓

Legislators 🗸

Legislative Staff ✓

Office of the Governor 🗸

Prosecutors (WAPA) ✓

Public Defenders (WACDL / WDA) ✓

Sentencing Guidelines Commission ✓

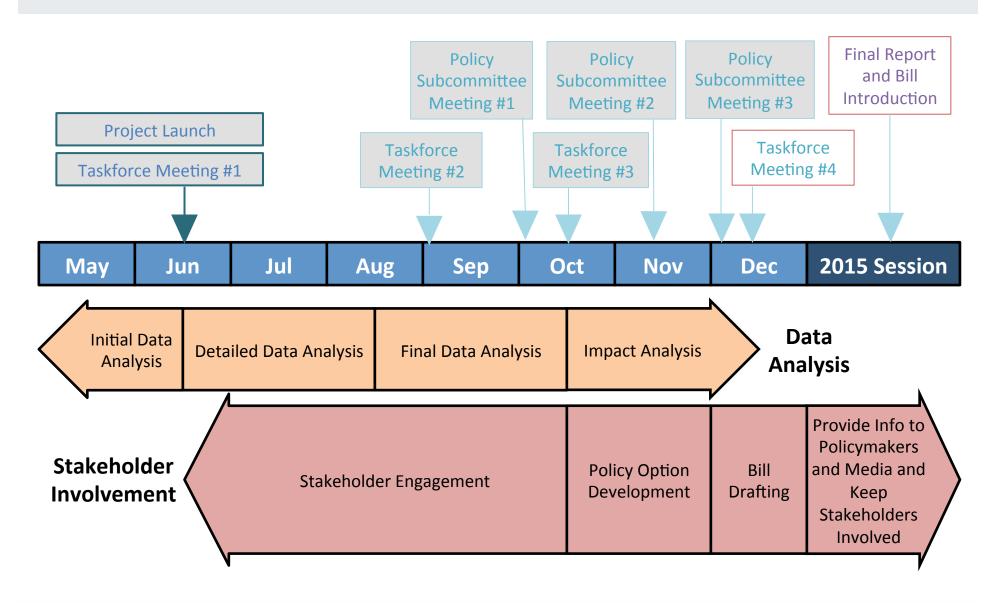
Superior Court Judges ✓

Victim Advocates ✓

WA State Institute for Public Policy 🗸

CSG Justice Center will continue to work with stakeholders to vet the Justice Reinvestment policy framework.

Phase I Project Timeline



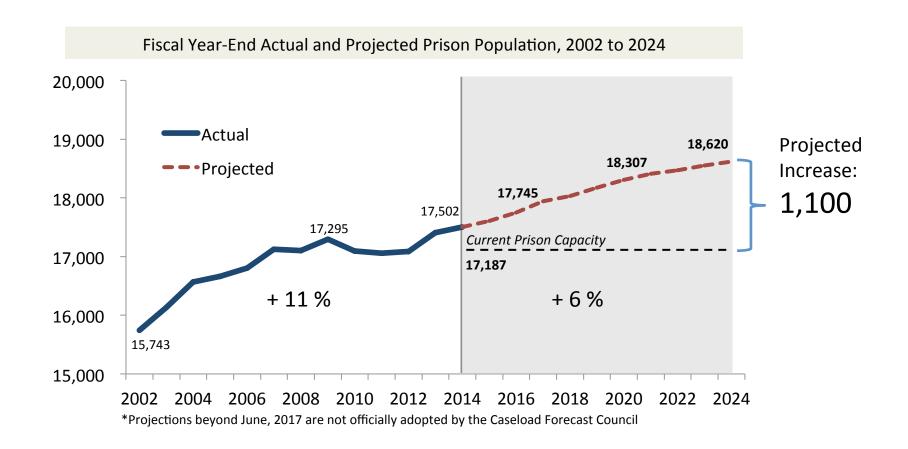
Overview of Presentation

I. The Process

- II. Summary & Goals
- Prison Growth & Property Crime
- Sentencing Policies
- Applying What Works

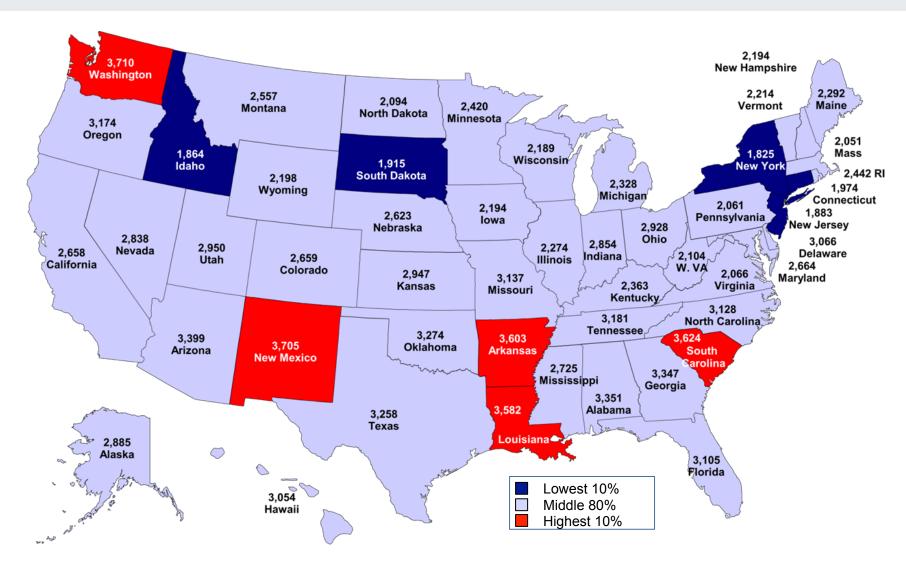
III. Policy Options & Impacts

Washington's prison population exceeds capacity and is projected to continue to increase.



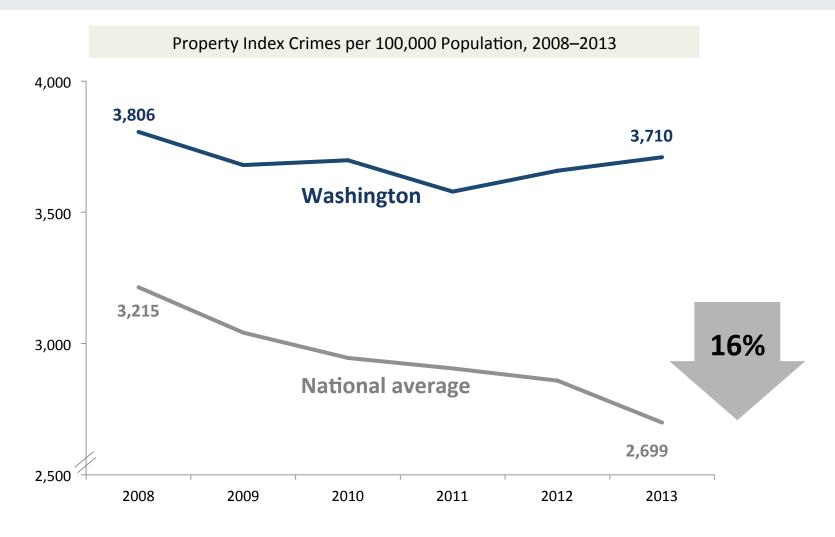
Source: Caseload Forecast Council, November 2014 Forecast
Criminal Justice Planning Services, "Cost-Effective Incarceration of Washington State Adult Offenders", 2012

Washington now ranks #1 in property crime.



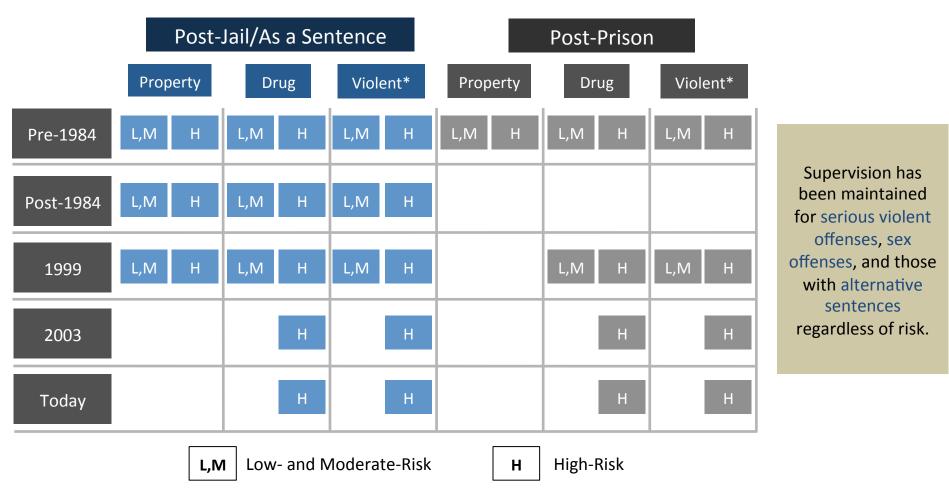
Source: United States Department of Justice, Federal Bureau of Investigation. (November 2014). Crime in the United States, 2013.

Washington's property crime rate has remained high, while the national average has decreased.



Source: United States Department of Justice, Federal Bureau of Investigation. (November 2014). Crime in the United States, 2013.

Property offenders have been largely unsupervised postprison since 1984, and post-jail since 2003.



^{*}Violent includes violent offenses and crime against a person offenses.

Source: Communications with Washington Department of Corrections staff.

Washington State Legislature. 56th Legislative Session. [SB 5421] Enhancing supervision of offenders.

Washington State Legislature. 58th Legislative Session. [SB 5990] Changing times and supervision standards for release of offenders.

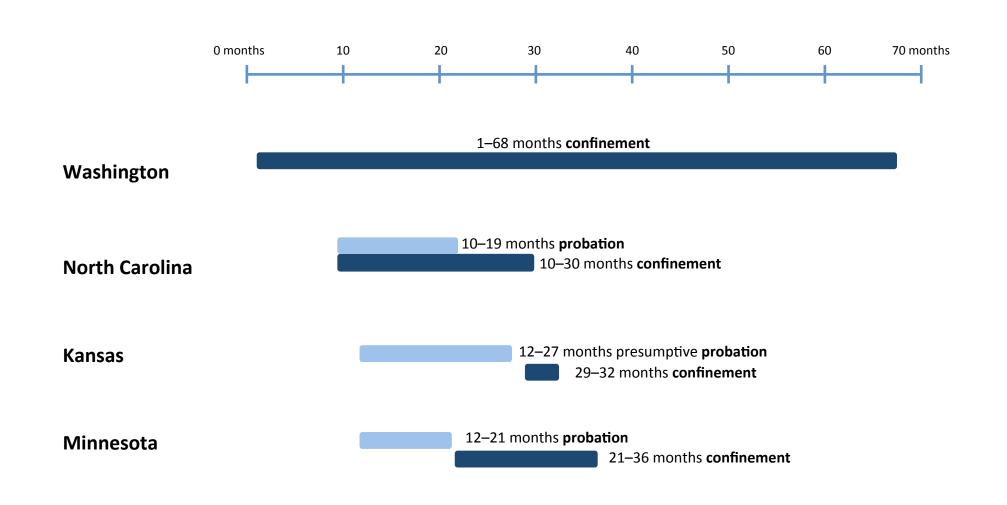
Washington State Legislature. 61st Legislative Session. [SB 6162] Providing for the supervision of offenders sentenced to community.

Washington utilizes supervision less than the national average and other recent JR states.

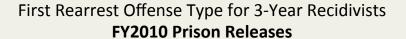
Washington	Michigan	BJS National Study	North Carolina	Idaho	Kansas
Prison 39%	Prison 21%	Prison 41%	Prison 42%	Prison 42%	Prison 24%
	Jail 55%				Jail 7%
Jail 49%		Jail 28%	Jail 24 %	Probation	Probation Only
Supervision In Lieu of Incarceration 10%	Probation Only 23%	Probation Only 27%	Probation Only 34%	Only 58%	69%

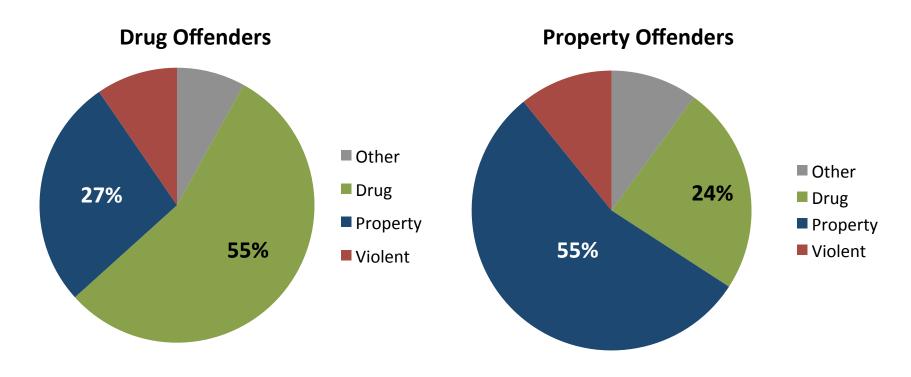
Source: Statewide Dispositions – Fiscal Year 2012, Office of Community Alternatives, MI Dept. of Corrections, November 2012; KS Felony Sentencing Data; Structured Sentencing Statistical Report FY 2011/12, NC Sentencing and Policy Advisory Commission; BJS Felony Sentences in State Courts, 2006 – Statistical Tables; WA Caseload Forecast Council sentencing data..

Washington has a wider sentence range for second degree burglary compared to other states.



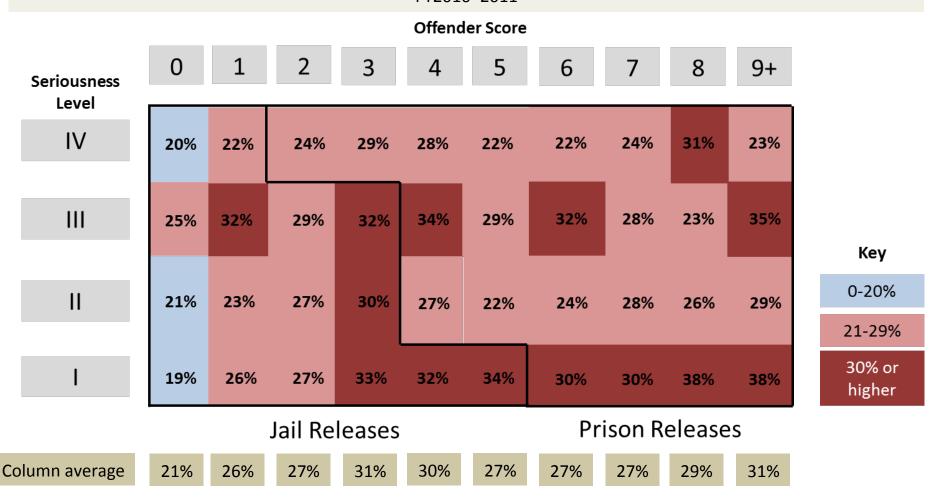
Approximately 80% of drug and property offenders who recidivate commit a drug or property offense as their first re-arrest.





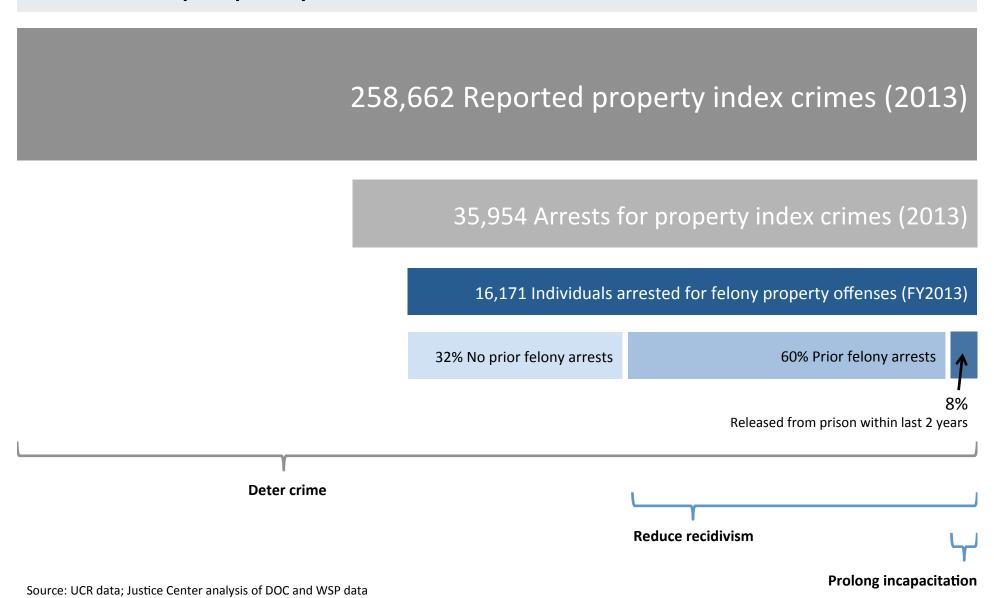
Recidivism rates vary little for property offenders with offender scores other than "0."

Two-Year Felony Reconviction Rates by Grid Cell Location for Property Offenders Released from Jail and Prison, FY2010–2011

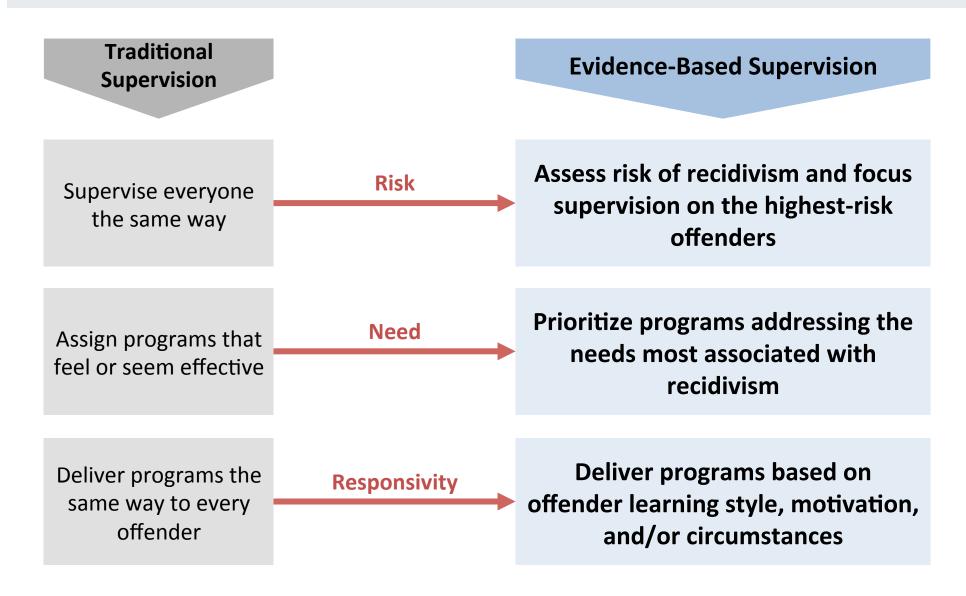


Source: Justice Center analysis of DOC , CFC and WSP data

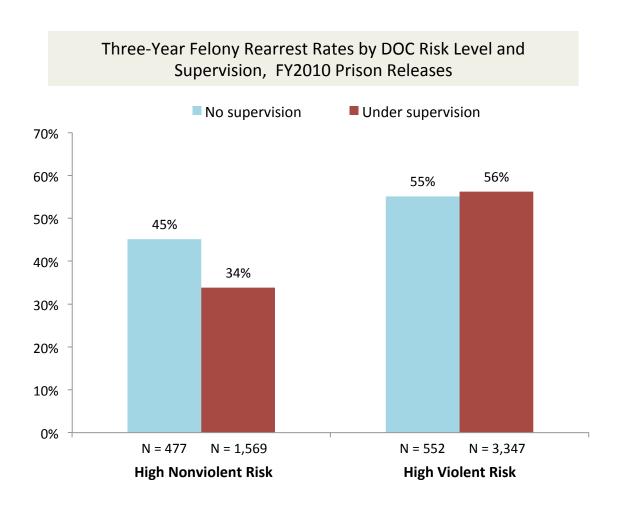
A comprehensive strategy is required to reduce property crime.



Supervision and programs are now based on research about what works and what doesn't.



Individuals assessed as High Nonviolent Risk who are supervised have lower recidivism rates than those who are not supervised.



Washington is viewed as a leader in employing evidence-based criminal justice strategies.

Washington Institute for Public Policy

Washington has been recognized nationally for supporting criminal justice research to inform decision-making; highlighting what works in programs to reduce recidivism and crime.

Evidence-Based Criminal Justice Policies

In 2012, Washington became the first state to implement "swift and certain" sanctions statewide to increase offender compliance on supervision.

Evidence-Based Juvenile Justice Policies

Washington has a rich history of investing in evidence-based and promising prevention and intervention services for juveniles.

Supervision Strategies

The Washington State Department of Corrections continues to refine its approach to community supervision, focusing its resources on higher-risk individuals and using tactics to change offender behavior.

Effective Changes to Drug Sentencing

In 2003, Washington began implementing a separate drug offense sentencing grid with the intent to reduce recidivism among drug offenders.

Policy Goals Agreed to at October 15th Taskforce Meeting

Increase public safety by addressing the state's high property crime rate

Reduce recidivism among property offenders and drug offenders

Avert growth in the state prison population

Ensure any solution is a win-win for counties and the state

Gain consensus among stakeholders and the legislature

Overview of Presentation

I. The Process

II. Summary & Goals

III. Policy Options & Impacts

- Reduce Property Crime & Support Victims
- Hold Offenders Accountable
- Reduce Recidivism

Washington State Justice Reinvestment Policy Framework

Goals:

Increase public safety, reduce recidivism, and avert prison population growth

1 Reduce property crime and support victims

- a) Invest in law enforcement efforts to deter property crime
- b) Create a victim compensation benefit for victims of property crime and sustain victim notification

Hold offenders accountable

- a) Develop a sentencing grid for property offenders that includes a period of supervision and treatment
- b) Address double-counting of prior felony convictions in offender score for property offenders

3 Reduce recidivism

- a) Ensure reinvestments in supervision and treatment are sustained through oversight and coordination
- b) Incentivize counties to use risk assessments to inform pretrial release decisions

Reduce property crime rate

15% By 2021 Supervise & connect to treatment after jail/prison

2,000Previously unsupervised property offenders

Avert prison capital and operating costs

Up To \$291 Million By 2021 Invest in law enforcement, supervision, treatment, support for victims, and counties

\$80 Million By 2021

Invest in law enforcement's efforts to deter crime.

Options

- Establish a state funded competitive grant program to support local law enforcement agencies to:
 - Increase the use of technology and data analysis
 - Increase staffing
 - Deploy innovative policing strategies to reduce and prevent crime
- Leverage Byrne Justice Assistance Grants and other federal funding to support crime deterrence efforts.

Goal

Reduce the state's property crime by 15 percent by 2021.

Pending WSIPP impact analysis:
Reinvest \$4 million in first biennium and \$8 million in second biennium

Examples of evidence-based policing strategies:

- Crime analysis
- Hot spot policing
- Focused deterrence

In 2012, Oklahoma
established the Justice
Reinvestment Violent Crime
Reduction Grant Program to
provide competitive grant
funds for law enforcement
agencies to reduce and
prevent violent crime with
evidence-based policing
practices, crime analysis
strategies, increased
technological capacity, and
community partnerships.

Three Big Policy Levers to Impact Crime



Deter crime

Increase law enforcement's ability to use hot spot strategies and deploy additional officers to increase the perceived certainty of apprehension.

Reduce recidivism

High quality supervision (risk, need, responsivity), consistent sanctioning, and high quality treatment programs tailored to needs.

Prolong incapacitation

Increase length of stay to hold moderate- to high-risk offenders in prison for an additional 3 months, adding 250 to the prison population.

Benefit to Cost Ratio

Benefits per dollar of cost.









Source: Aos, S. & Drake, E. (2013). Prison, police, and programs: Evidence-based options that reduce crime and save money (Doc. No. 13-11-1901). Olympia: Washington State Institute for Public Policy

Support victims of property and other crimes.

Options

- Create a victim compensation benefit to provide client assistance for victims of property crimes, including compensation for towing and impoundment fees associated with stolen motor vehicles, and to support court filing fees for civil remedies.
- Fund the SAVIN-VINE victim notification programs in King,
 Pierce, and Snohomish counties, funding for which is slated to end by 2016.
- As the state assesses policy and practice related to legal financial obligations, consider expanding the requirement to pay a victim penalty assessment to include participants in specialty courts.

Annual Reinvestment: \$400,000 (leverage federal funding)

Annual Reinvestment: \$100,000

Develop a sentencing grid for property offenders that includes a period of supervision and treatment.

Seriousness Level III Offender Score 3

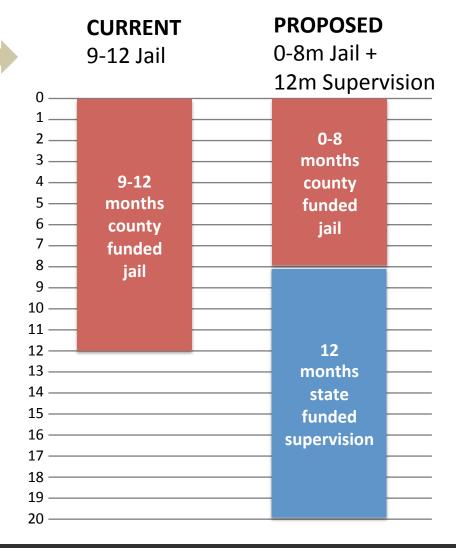


Current offense:

Burglary 2

Prior Adult Felony Convictions:

- 1. Theft 2
- 2. Drug Possession
- 3. Drug Possession



Hold offenders accountable

2a

Develop a sentencing grid for property offenders that includes a period of supervision and treatment.

Offend	ler Score→	0	1	2	3	4	5	6	7	8	9+
Seriousn	ess Level ↓										
Grid	IV	3-9	6-12	12+-14	13-17	15-20	22-29	33-43	43-57	53-70	63-84
	III	1-3	3-8	4-12	9-12	12+-16	17-22	22-29	33-43	43-57	51-68
Current	II	0-90 d	2-6	3-9	4-12	12+-14	14-18	17-22	22-29	33-43	43-57
Cı	I	0-60 d	0-90 d	2-5	2-6	3-8	4-12	12+-14	14-18	17-22	22-29

y Grid		+ State	Funded Su	Jail pervision					+ State Fi	unded Sup	Prison pervision
Property	IV	0-6	0-8	0-10 +12	0-12 <i>+12</i>	12+-16 +12	14-18 <i>+12</i>	16-24 <i>+12</i>	24-30 <i>+12</i>	30-36 <i>+12</i>	36-42 +12
Proposed Pro	III	0-3	0-6	0-6 +12	0-8 +12	0-10 +12	0-12 +12	12+-16 <i>+12</i>	14-18 <i>+12</i>	16-24 +12	24-30 +12
	II	0-90 d	0-4	0-6 +12	0-6 +12	0-8 +12	0-10 +12	0-12 <i>+12</i>	12+-16 <i>+12</i>	14-18 +12	16-20 <i>+12</i>
Pro]	I	0-60 d	0-90 d	0-4 +12	0-6 +12	0-8 +12	0-10 +12	0-10 +12	0-12 +12	12+-16 +12	14-18 <i>+12</i>

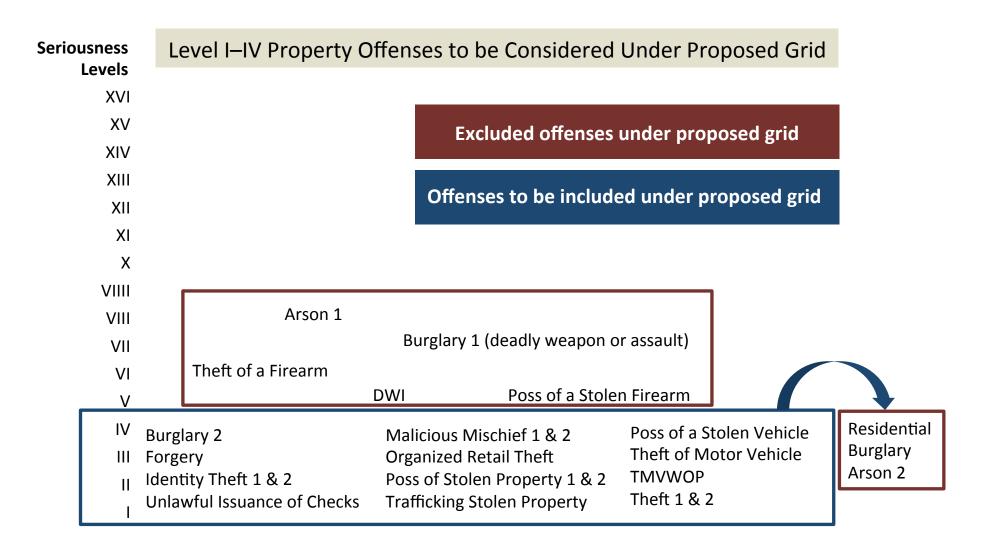
2a

Develop a sentencing grid for property offenders that includes a period of supervision and treatment.

Characteristics of proposed property sentencing grid:

- Trades incarceration time for a period of supervision and treatment in the community under supervision by DOC
- Mandates 12 months of supervision for those with offender score
 2+ including individuals released from county jails
- Reduces lower end of jail-bound sentences to "0" to provide judges and prosecutors with discretion

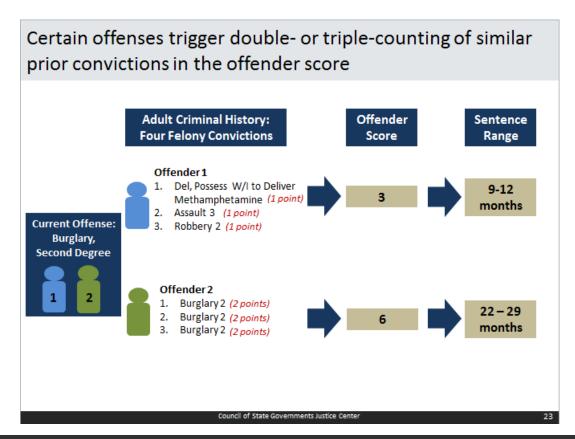
Develop a sentencing grid for property offenders that includes a period of supervision and treatment.



Address double-counting of prior felony convictions in offender score for property offenders.

Options

 Eliminate double-counting and triple-counting of prior felony convictions in offender scoring for second-degree burglary and theft of a motor vehicle.



Double-counting Burglary 2 affected **20%** of felony sentences for Burglary 2 in FY2013. Removing this double-counting would result in a **10%** reduction in Burglary 2 sentences to prison-bound grid cells.

Impacts to be modeled.

Reduce recidivism

3a

Reinvest in supervision and treatment; make the quality of supervision more transparent and accountable to stakeholders.

	Current Policy	Proposed
Supervision of ~2,070 Property Offenders (offender score 2+)	None	Yes, 12 months established at sentencing.
Assessment of risk & needs	None	Yes
Regular meetings with supervision officer	None	Yes, with case plan & home/work visits
Treatment required if needed	None	Yes, funded by state
Ability to sanction behavior short of new criminal activity	None, until law enforcement is called	Swift & certain sanctions in county jails paid by DOC
Drug testing	None	Required
Cognitive behavioral treatment to address criminal thinking	None	Required

To ensure intensive supervision, with caseloads averaging 30 per officer, supervision costs associated with supervising property offenders under the policy in 3a would cost:

FY2016: \$353,481 FY2017: \$7,303,365 FY2018: \$11,368,392

FY2019: \$11,704,769 FY2020: \$11,761,782

FY2021: \$11,790,288

Source: Data received from the Department of Corrections Budget Office

Reduce recidivism

3a

Ensure reinvestments in supervision and treatment are sustained through oversight and coordination.

Options

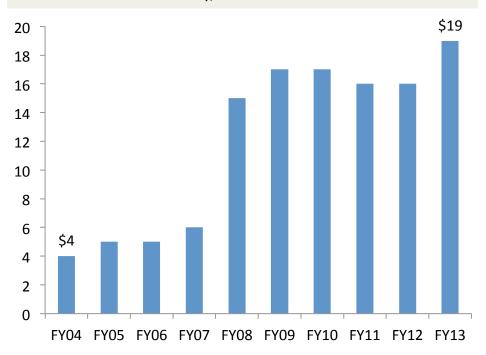
- Designate an interbranch committee to monitor and evaluate the policies, practices, and budgetary implications of enacted justice reinvestment policies. The entity should track the state's progress in reducing property crime through grants to law enforcement, holding property offenders accountable with supervision, and reducing recidivism with effective supervision and treatment.
- Consider the consolidation of other criminal justice coordinating entities.

Goal

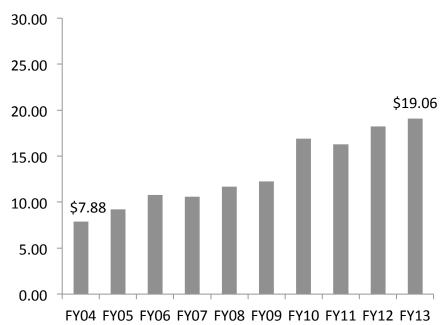
Ensure legislative and stakeholder support in DOC's continual efforts to strengthen the quality of community supervision.

Spending on community corrections has increased significantly to support DOC's efforts to improve the quality of supervision.

Community Corrections Programming Expenditures (in millions), FY2004–FY2013



Community Corrections Average Daily Expenditures per Supervised Offender, FY2004–FY2013



Source: DOC Budget Office data

Incentivize counties to use risk assessments to inform pretrial release decisions.

Options

 Create a state-funded grant program to support and incentivize county efforts to adopt pretrial risk assessment tools.

Goal

Increase public safety by ensuring that pretrial defendants who pose a high likelihood of reoffending are supervised if released.

Potentially reduce jail pretrial ADP and generate cost savings for counties.

Annual Reinvestment:

\$500,000

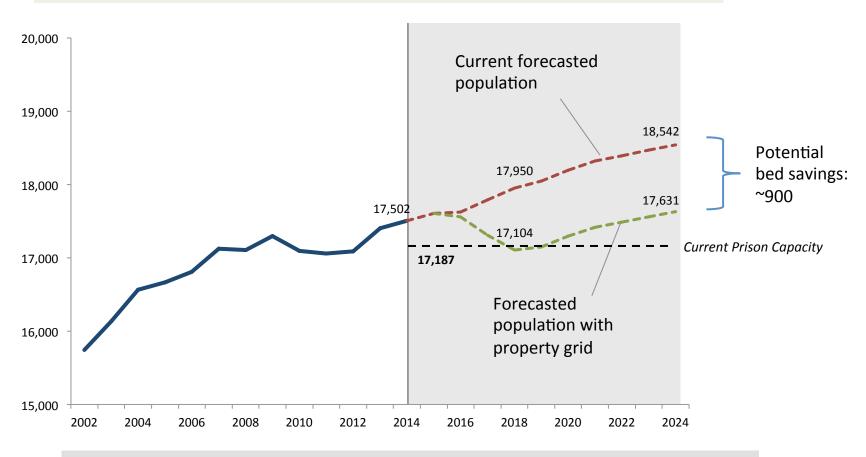
A portion of pretrial defendants will reoffend upon release.

Unless identified and the risk of recidivism is mitigated, these individuals pose a public safety challenge.

Actuarial tools identify those most likely to reoffend, and help avoid detaining low-risk defendants.

Estimated Impact on Prison Population

Average Daily Prison Population and Projected ADP Impact Estimates, FY2002 to FY2024

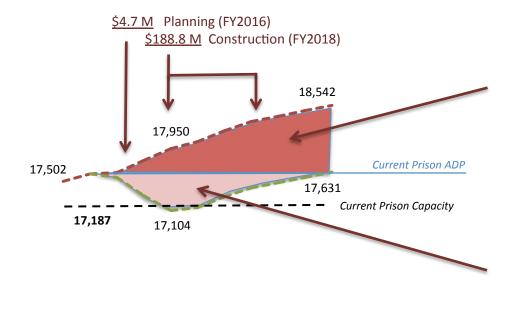


^{*}Projected prison population growth rate was adjusted slightly higher than the CFC forecast in order to account for an assumed higher growth rate for property offenders, based on previous CSG analysis.

Methodology for Estimating Averted Prison Costs

Average Daily Prison Population and Projected ADP Impact Estimates, FY2002 to FY2024

New Construction Costs Averted:



New Operating Costs Averted:

Operating costs that would be assumed by the state through adding prison capacity.

Current Operating Costs Averted:

Operating costs currently assumed that would have to be maintained if the population was at or above current ADP.

^{2012 2014 2016 2018 2020 2022 2024}

^{*}Projected prison population growth rate was adjusted slightly higher than the CFC forecast in order to account for an assumed higher growth rate for property offenders, based on previous CSG analysis.

Impact Analysis: Prison Population

Current Prison Population (FY2014 ADP)

17,502

	FY2016	FY2017	FY2018	FY2019	FY2020	FY2021
CFC Forecast (ADP)	17,624	17,793	17,950	18,046	18,198	18,321
Projected Number Averted	-67	-486	-846	-896	-901	-904
Projected Prison Pop (ADP) with JR	17,557	17,307	17,104	17,150	17,297	17,417
Averted Current & New Operating Costs	\$1,931,945	\$10,783,889	\$17,802,057	\$20,005,738	\$22,584,777	\$24,658,926
Averted Capital Costs	< \$4,700,000	•	< \$188,800,000			

Prison cost savings FY2016–2021

Up To \$291 million

Source: CFC November Forecast, FY2014; Department of Corrections Institutional Costs, Average Daily Population, and Cost Per Offender Per Day FY2013

Impact Analysis: Supervision Population

Current Supervision Population (ADP)

15,913

	FY2016	FY2017	FY2018	FY2019	FY2020*	FY2021*
CFC Forecast (ADP)	17,207	17,673	17,920	18,170	18,424	18,682
Estimated Impact of Property Grid	62	1,281	1,994	2,053	2,063	2,068
Projected Supervision Pop (ADP) with JR	17,269	18,954	19,914	20,223	20,487	20,750
Supervision Cost Estimate	\$353,481	\$7,303,365	\$11,368,392	\$11,704,769	\$11,761,782	\$11,790,288

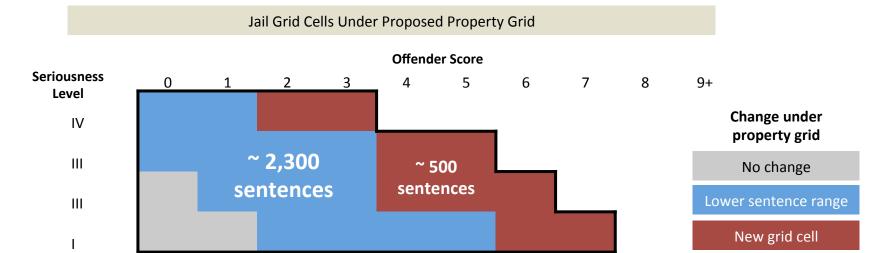
^{*}CFC forecast not available, projected increase of 1% was applied to previous year.

Supervision cost FY2016-FY2021

\$54 million

Impact Analysis: County Jail Population





Reducing the sentence range for a large portion of felony jail sentences helps to offset the addition of new jail-bound grid cells.

Summary of Averted Costs and Reinvestment

	_	FY2016	FY2017	FY2018	FY2019	FY2020	FY2021	<u>Total</u>
	Prison							
d Costs	Current Operating Costs Averted (Based on reductions from current population)		\$2,392,904	\$4,883,977	\$4,319,498	\$2,515,617	\$1,043,061	
	New Construction Costs Averted	Up To \$4,700,000		Up To \$188,800,000				
Averted	New Operating Costs Averted	\$1,931,945	\$8,390,985	\$12,918,080	\$15,686,240	\$20,069,160	\$23,615,865	
Ą	Total Averted Costs	\$6,631,945	\$10,783,889	Up To \$206,602,057	\$20,005,738	\$22,584,777	\$24,658,926	Uр То \$ 291,267,331
	1a. Law Enforcement Property Crime Reduction Grants	\$2,000,000	\$2,000,000	\$4,000,000	\$4,000,000	\$4,000,000	\$4,000,000	
ıts	1b. New Victim Compensation Benefit for Victims of Property Crime	\$400,000	\$400,000	\$400,000	\$400,000	\$400,000	\$400,000	
Reinvestments	1b. Victim Notification for King, Pierce, and Snohomish Counties	\$100,000	\$100,000	\$100,000	\$100,000	\$100,000	\$100,000	
einves	2a. Mandatory 12m Supervision for Property Offenders	\$353,481	\$7,303,365	\$11,368,392	\$11,704,769	\$11,761,782	\$11,790,288	
~	3c. County Pretrial Improvement Grants	\$500,000	\$500,000	\$500,000	\$500,000	\$500,000	\$500,000	
	Total Reinvestment Costs	\$3,355,481	\$10,303,365	\$16,368,392	\$16,704,769	\$16,761,782	\$16,790,288	\$80,284,077
	Net Savings		\$3,756,988	\$	Uр То 193,534,634		\$13,691,633	Up To \$210,983,254

Washington State Justice Reinvestment Policy Framework

Goals:

Increase public safety, reduce recidivism, and avert prison population growth

1 Reduce property crime and support victims

- a) Invest in law enforcement efforts to deter property crime
- b) Create a victim compensation benefit for victims of property crime and sustain victim notification

Hold offenders accountable

- a) Develop a sentencing grid for property offenders that includes a period of supervision and treatment
- b) Address double-counting of prior felony convictions in offender score for property offenders

3 Reduce recidivism

- a) Ensure reinvestments in supervision and treatment are sustained through oversight and coordination
- b) Incentivize counties to use risk assessments to inform pretrial release decisions

Reduce property crime rate **15%** By 2021 Supervise & connect to treatment after jail/prison

2,000
Previously
unsupervised
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Avert prison capital and operating costs

Up To **\$291**Million
By 2021

Invest in law enforcement, supervision, treatment, support for victims, and counties

\$80 Million By 2021

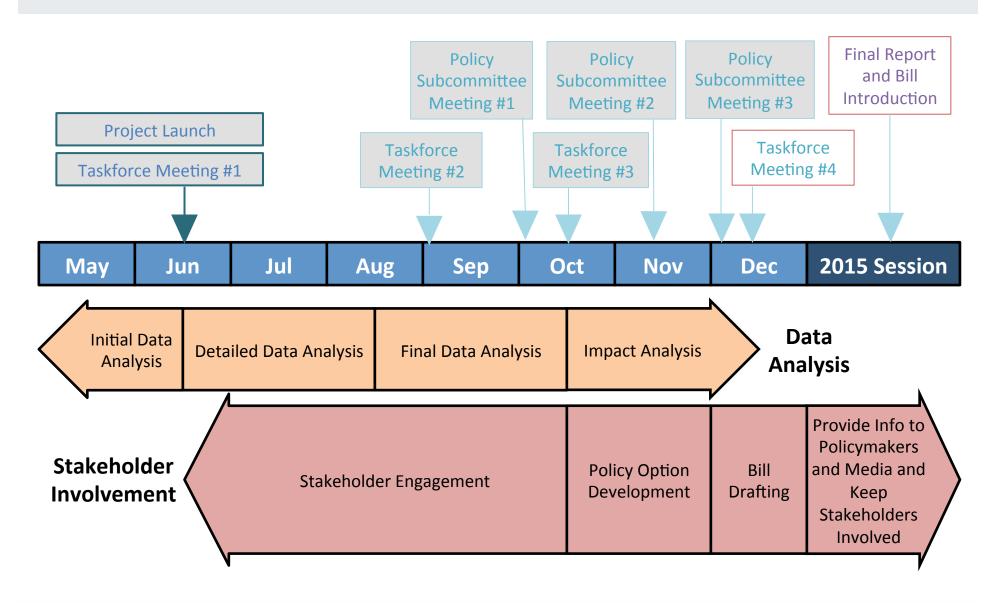
Next Steps

The **Washington State Institute for Public Policy** will model the Justice Reinvestment policy framework's impact on crime and recidivism.

The **CSG Justice Center** will be available to:

- Vet the Justice Reinvestment policy framework with key stakeholder groups
- Assist in the drafting of legislation
- Develop a written report summarizing Washington's Justice Reinvestment process and policy framework
- Brief legislators on the proposed policy framework
- Provided legislation is enacted, provide implementation technical assistance and help leverage implementation funding support from the Bureau of Justice Assistance

Next Steps





Thank You



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